

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY L. WARD  
Deputy Attorney General  
4 State Bar No. 246437  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2660  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

**FILED**

Board of Vocational Nursing  
and Psychiatric Technicians

8 **BEFORE THE**  
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT 2008 1137

13 **DANIELLE MARIE HELMICK**  
2698 Harrison Street  
San Bernardino, CA 92404

**A C C U S A T I O N**

14 Psychiatric Technician License No. PT 32664

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
21 Technicians, Department of Consumer Affairs.

22 2. On or about April 11, 2005, the Board of Vocational Nursing and Psychiatric  
23 Technicians (Board) issued Psychiatric Technician License No. PT 32664 to Danielle Marie  
24 Helmick (Respondent). The Psychiatric Technician License was in full force and effect at all  
25 times relevant to the charges brought herein and will expire on February 28, 2013, unless  
26 renewed.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

2  
3

4  
5  
6

7  
8  
9  
0

## 1

2

3  
4  
5  
6

7  
8  
9  
20

21  
22  
23  
24  
25  
26

97

8

7. Section 4521 states, in pertinent part:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)) for any of the following reasons:

“(a) Unprofessional conduct, which includes but is not limited to any of the following:

• • •

(5) Use of any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • •

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.”

## REGULATIONS

8. California Code of Regulations, title 16, section 2576.6 states, in pertinent part:

“(b) A licensed psychiatric technician shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

• • • •

(4) Abstaining from chemical/substance abuse; and

(c) A violation of this section constitutes unprofessional conduct for purposes of initiating disciplinary action.”

9. California Code of Regulations, title 16, section 2578 states, in pertinent part:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed

1 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a  
2 licensed psychiatric technician to perform the functions authorized by his license in a manner  
3 consistent with the public health, safety, or welfare.”

#### 4 **COST RECOVERY**

5 10. Section 125.3 provides, in pertinent part, that a Board may request the administrative  
6 law judge to direct a licensee found to have committed a violation or violations of the licensing  
7 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
8 case.

#### 9 **FIRST CAUSE FOR DISCIPLINE**

##### 10 **(Conviction of a Substantially Related Crime)**

11 11. Respondent is subject to disciplinary action under sections 4521(f) and 490, in  
12 conjunction with California Code of Regulations, title 16, section 2578, in that she has been  
13 convicted of a crime substantially related to the qualifications, functions or duties of a licensed  
14 psychiatric technician. On or about September 29, 2009, after pleading guilty, she was convicted  
15 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving  
16 under the influence of alcohol or drugs] in the criminal proceedings entitled *The People of*  
17 *California v. Danielle Marie Helmick* (Super. Ct. San Bernardino County, 2009, No.  
18 TSB900679). The Court sentenced Respondent to 15 days in the County jail and placed  
19 Respondent on 3 years’ probation. The Court also required Respondent to attend a state approved  
20 multiple offender alcohol program.

21 12. The circumstances surrounding the conviction are that on or about October 16, 2008  
22 at 1:25 in the morning, Respondent was pulled over for driving approximately 122 mph on  
23 Interstate 210 west. The arresting officer observed Respondent had slurred speech, red watery  
24 eyes, and a strong odor of alcoholic beverage on her breath. A subsequent blood test showed  
25 Respondent’s blood alcohol content was 0.20%.

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

3 13. The allegations set forth above in paragraphs 11 through 12 above are incorporated  
4 and realleged as though set forth in full. Respondent is subject to disciplinary action under  
5 section 4521, subdivision (a)(5), because on or about October 16, 2008, Respondent drank  
6 heavily and then drove 122 mph on a freeway while drunk, which was dangerous to herself and  
7 the public.

8 **DISCIPLINARY CONSIDERATIONS**

9 14. To determine the degree of discipline, if any, to be imposed on Respondent,  
10 Complainant alleges the following:

11 a. On or about August 27, 2003, after pleading guilty, Respondent was convicted of one  
12 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while  
13 having 0.08% and more, by weight of alcohol in her blood] in the criminal proceedings entitled  
14 *The People of California v. Danielle Marie Helmick* (Super. Ct. San Bernardino County, 2003,  
15 No. TSB111727). The Court placed Respondent on 3 years' probation. The circumstances  
16 surrounding the conviction are that on or about May 19, 2003, Respondent drove a vehicle while  
17 having 0.08% or more, by weight, of alcohol in her blood.

18 b. On or about March 17, 2005, the Board issued Respondent a notice of warning when  
19 it initially issued her Psychiatric Technician License No. PT32664.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Psychiatric Technician License No. PT 32664, issued to  
24 Respondent Danielle Marie Helmick;

25 2. Ordering Respondent Danielle Marie Helmick to pay the Board the reasonable costs  
26 of the investigation and enforcement of this case. pursuant to section 125.3; and

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: March 10, 2011.



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2010601023  
60586160\_2.doc